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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 DENVER G. SMITH,

8 Petitioner,

9 v.

10 ROB McKENNA,

11 Respondent.

Case No. C08-5349 BHS/KLS

ORDER OVERRULING  
OBJECTIONS AND  
ADOPTING REPORT AND  
RECOMMENDATION

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13 This matter comes before the Court on Petitioner's Objections to the Report and  
14 Recommendation of Magistrate Judge Karen L. Strombom. Dkt. 5. The Court, having reviewed  
15 the report and recommendation (Dkt. 4), Petitioner's application to proceed *in forma pauperis*  
16 (Dkt. 1), Objections to the Report and Recommendation (Dkt. 5), and the remaining record,  
17 hereby finds and **ORDERS**:

- 18 (1) Petitioner's objections are **OVERRULED**;  
19 (2) the Magistrate Judge's report and recommendation is **ADOPTED**;  
20 (3) Petitioner shall pay the required filing fee (**\$5.00**) to the Clerk of the Court within  
21 **thirty (30) days** of the date of this Order and shall amend his Petition to correctly  
22 name his custodian and the Attorney General of Washington as Respondents;  
23 otherwise this action will be dismissed.

24 DATED this 14<sup>th</sup> day of August , 2008.

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28 BENJAMIN H. SETTLE  
United States District Judge